

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GUTCHESS LUMBER CO., INC.,

Plaintiff,

v.

**5:13-CV-1013
(FJS/DEP)**

MICHAEL WIEDER,

Defendant.

APPEARANCES

MELVIN & MELVIN, PLLC
217 South Salina Street, 7th Floor
Syracuse, New York 13202-1686
Attorneys for Plaintiff

BLITMAN & KING LLP
Franklin Center, Suite 300
443 North Franklin Street
Syracuse, New York 13204-1415
Attorneys for Defendant

BERGER & MONTAGUE PC
1622 Locust Street
Philadelphia, Pennsylvania 19103
Attorneys for Defendant

SHAYNE NICHOLS, LLC
Two Miranova Place, Suite 300
Columbus, Ohio 43215
Attorneys for Defendant

SCULLIN, Senior Judge

OF COUNSEL

ROGER W. BRADLEY, ESQ.
SUSAN E. OTTO, ESQ.

BRIAN J. LACLAIR, ESQ.
JULES L. SMITH, ESQ.

ELLEN T. NOTEWARE, ESQ.
TODD S. COLLINS, ESQ.

STANLEY H. SHAYNE, ESQ.

ORDER

Plaintiff filed its complaint against Defendant in New York State Supreme Court, Onondaga County, on July 16, 2013. On August 15, 2013, New York Supreme Court Justice

DeJoseph entered a temporary restraining order, which, among other things, enjoined and restrained Defendant, pending a further order of the New York Supreme Court, from any further disclosure or dissemination, by any means, including publication on the internet, of Plaintiff's confidential information, documents, or other materials to any persons or entities.

On August 20, 2013, Defendant removed the case to this Court, asserting that the Court had subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331. *See* Dkt. No. 1. On August 27, 2013, Defendant moved to dismiss the complaint; said motion is returnable on October 11, 2013. *See* Dkt. No. 10. On August 28, 2013, Plaintiff filed a motion for an extension of the Temporary Restraining Order that Justice DeJoseph had entered. *See* Dkt. No. 12.

Having reviewed the entire file in this matter, the Court hereby

ORDERS that Plaintiff's motion for an extension of the Temporary Restraining Order is **GRANTED** insofar as such order shall now expire on the date that the Court herein sets for oral argument on Defendant's pending motion to dismiss, i.e., **September 20, 2013**; and the Court further

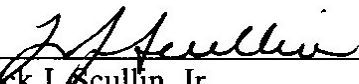
ORDERS that counsel shall appear for oral argument with respect to Defendant's motion to dismiss, *see* Dkt. No. 10, on **Friday, September 20, 2013, at 10:00 a.m. at the James Hanley United States Courthouse and Federal Building in Syracuse, New York**. Therefore, Plaintiff shall file any opposition it has to said motion on or before **Friday, September 6, 2013**; and Defendant shall file any reply in further support of his motion to dismiss on or before **Friday, September 13, 2013**; and the Court further

ORDERS that, if Plaintiff wishes to do so, it shall file any motion to remand this matter

to state court on or before **Friday, September 6, 2013**; and, if Plaintiff files a motion to remand, Defendant shall file his opposition to such motion on or before **Friday, September 13, 2013**.
Plaintiff shall not be permitted to file a reply in further support of any such motion.

IT IS SO ORDERED.

Dated: August 29, 2013
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge